

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEENA L. HORNER, et al : CIVIL ACTION NO.: 1:14-cv-00639  
:   
Plaintiffs, :   
: (Jones, J.)  
v. : (Saporito, M.J.)  
:   
JOSEPH D. CUMMINGS, et al :   
:   
Defendants. :   
:

ORDER

FILED  
WILKES BARRE  
JUL 29 2015  
Per MS

NOW, this 29<sup>th</sup> day of July, 2015 upon consideration of the motion to compel (Doc. 67) filed by the plaintiff and the motion to enforce protective order (Doc. 68) filed by Daimler Trucks North America, LLC ("DTNA"), the submissions of the parties, and after oral argument it is hereby ORDERED as follows:

1. The plaintiff's motion to compel (Doc. 67) is GRANTED in part and DENIED in part.

A. The plaintiff's motion is GRANTED with respect to all discovery concerning (i) commercial tractor-trailer truck models beyond the subject truck, the 2007 Freightliner CL-120 Class 8 tractor, (ii) tractor-trailer trucks designed and manufactured for United States military

use, and (iii) the Freightliner "Revolution" concept truck. Relevance objections by DTNA with respect thereto are OVERRULED.

B. The plaintiff's motion is DENIED with respect to all discovery concerning: (i) trucks powered by compressed natural gas and liquified natural gas, and (ii) all other types of trucks, including school buses, ambulances, and step vans. Relevance objections by DTNA are SUSTAINED.

C. The plaintiff's motion is GRANTED with respect to discovery of post-crash accident investigation relating to fuel-fed fires not only for DTNA's Class 8 tractor trailers with side-saddle fuel tanks, but also for those vehicle types identified in paragraph 1A of this order from 1985 through 2007. Relevance objections by DTNA are OVERRULED.

D. The plaintiff's motion is GRANTED with respect to discovery for cost information per vehicle of the side-saddle fuel tanks and the mounting devices/hardware not only for DTNA's Class 8 commercial tractor-trailers with side-saddle fuel tanks, but also for those vehicle types identified in paragraph 1A of this order. Relevance objections by DTNA are OVERRULED.

2. DTNA's motion to enforce protective order (Doc. 68) is GRANTED in part and DENIED in part.

A. The motion is GRANTED in that the stipulated protective order shall be and remain in full force and effect as to all documents that are of a confidential and proprietary nature as to DTNA.

B. The motion is DENIED as to those documents which are already in the public domain.

  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge

Dated: July 29, 2015